

EXHIBIT 2

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 CIVIL ACTION NUMBER 7:21-cv-02485-VB

4 - - - - - x

5 GERALD HAYDEN, :

6 :

7 Plaintiff, :

8 :

9 vs. :

10 :

11 INTERNATIONAL BUSINESS MACHINES :

12 CORPORATION, PABLO SUAREZ and :

13 SHANKER RAMAMURTHY, :

14 :

15 Defendants. :

16 - - - - - x

17 Veritext Virtual Zoom Videotaped
18 Deposition of GERALD HAYDEN, taken on Thursday, May
19 12, 2022, held at Stone & Magnanini, 400 Connell
20 Drive, Suite 6200, Berkeley Heights, New Jersey,
21 commencing at 9:06 a.m., before Jamie I. Moskowitz,
22 a Certified Court Reporter and Certified Livenote
23 Reporter.
24
25

Hayden, Gerald v. IBM

<p style="text-align: right;">Page 54</p> <p>1 So to handle that in A2E, I integrate</p> <p>2 with your certified financial planner. Certified --</p> <p>3 as you probably know, a certified financial planner</p> <p>4 is supposed to look at your total financial array.</p> <p>5 You got the right insurance policy, you got the</p> <p>6 right coverage, you got the lowest price. Only</p> <p>7 about 4 percent of certified financial planners do</p> <p>8 that, even though they're all supposed to do it.</p> <p>9 So by knowing that and knowing the</p> <p>10 prediction of failure, 90 -- over 95 percent of</p> <p>11 failures is due to cash flow.</p> <p>12 THE COURT REPORTER: Due to cash</p> <p>13 flow...</p> <p>14 THE WITNESS: Cash flow. Cash flow</p> <p>15 problems.</p> <p>16 BY MR. YOTHERS:</p> <p>17 Q So let's turn to the slide in here</p> <p>18 that has the Bates number GH46.</p> <p>19 That says "Why Junos" in the center</p> <p>20 there, right?</p> <p>21 A Yes.</p> <p>22 Q What is Junos?</p> <p>23 A Junos is the operating system for</p> <p>24 Juniper Networks.</p> <p>25 Q And was that something that Juniper</p>	<p style="text-align: right;">Page 56</p> <p>1 cloud wasn't even really around.</p> <p>2 Q Are you saying hybrid or hyper?</p> <p>3 A Hybrid.</p> <p>4 Q Hybrid?</p> <p>5 A As in IBM Red Hat.</p> <p>6 Q When did IBM cloud first come into</p> <p>7 existence?</p> <p>8 A I couldn't tell you that. I'd have to</p> <p>9 look it up. It's 10 less. Maybe 10 years.</p> <p>10 Q But you couldn't do A2E until there</p> <p>11 was hybrid cloud?</p> <p>12 A I could execute on A2E by giving a</p> <p>13 vision. Because when you sell to executives, the</p> <p>14 first question a CIO will ask you is, what's your</p> <p>15 roadmap. In other words, not what you're giving me</p> <p>16 today, what you're going to go in the future. So</p> <p>17 you have to give them that vision so they know,</p> <p>18 yeah, you know, that's right, this keeps me on the</p> <p>19 path. That's part of how you sell.</p> <p>20 Q So it was only a vision until hybrid</p> <p>21 cloud came, and then that provided the technology to</p> <p>22 actually do --</p> <p>23 THE COURT REPORTER: I'm sorry, excuse</p> <p>24 me. And that provided...</p> <p>25</p>
<p style="text-align: right;">Page 55</p> <p>1 Networks sold to customers or clients?</p> <p>2 A That's the way they do their</p> <p>3 technologies. One operating -- a single operating</p> <p>4 system.</p> <p>5 Q And did Junos incorporate any aspects</p> <p>6 of A2E?</p> <p>7 A No. It had nothing to do with their</p> <p>8 technology, it had to do with selling it.</p> <p>9 Q So A2E was useful in selling Junos, it</p> <p>10 wasn't part of Junos?</p> <p>11 A Correct.</p> <p>12 Q And then I look at this fourth bullet</p> <p>13 point here, it says, "Connecting any and all data</p> <p>14 centers facilitated"; do you see that?</p> <p>15 A Yes.</p> <p>16 Q That looks like number 4 on slide 9</p> <p>17 that we were just looking at; is that right?</p> <p>18 A It's related. They're close cousins,</p> <p>19 yes.</p> <p>20 Q And then if you turn with me to the</p> <p>21 slide that says GH48 on the upper right.</p> <p>22 A You know, I should qualify, this is</p> <p>23 visionary. Junos doesn't do hybrid cloud, to make</p> <p>24 that clear, okay? You can't do A2E without hybrid</p> <p>25 cloud. Junos did not have hybrid cloud. Hybrid</p>	<p style="text-align: right;">Page 57</p> <p>1 BY MR. YOTHERS:</p> <p>2 Q -- the technology to implement A2E; is</p> <p>3 that right?</p> <p>4 MR. STONE: Please, you gotta pause a</p> <p>5 little bit so you give me an opportunity to</p> <p>6 hear the question --</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. STONE: -- and object. And also</p> <p>9 we want a record where you're not talking over</p> <p>10 him.</p> <p>11 THE WITNESS: Yeah.</p> <p>12 MR. STONE: So just pause until he</p> <p>13 finishes the question, give me an opportunity</p> <p>14 to object. Thank you.</p> <p>15 BY MR. YOTHERS:</p> <p>16 Q Yeah. So I was just asking, at the</p> <p>17 time it was a vision, back in 2009, and it was the</p> <p>18 arrival of hybrid cloud that provided the technology</p> <p>19 to implement A2E; is that right?</p> <p>20 A No. You could implement certain</p> <p>21 things of A2E, but you could certainly use parts of</p> <p>22 A2E without hybrid cloud. But in order to run the</p> <p>23 whole formula is a dependency on hybrid cloud.</p> <p>24 That's why IBM bought Red Hat.</p> <p>25 Q And if we --</p>